

## REMARKS

As an initial matter, Applicant notes receipt of a Notice of Non-Compliant Amendment sent on July 8, 2003, stating that a response received at the USPTO on June 18, 2003, failed to meet the requirements under the revised amendment practice guidelines. That response, however, inadvertently included the serial number of the present application, and was not submitted for the present application. Applicant therefore withdraws that response, and submits the present response in its place. All appropriate fees have been included herein.

The Examiner has rejected all of the remaining claims in the application, rejecting Claims 4, 6-12, 14-18, 21-22, 26-34, 36-39, 42-43, 46-49, 52-58, 61-64, and 66-75 under 35 U.S.C. §102(b), and Claims 19-20, 40-41, and 50-51 under 35 U.S.C. §103(a). Applicant respectfully traverses the Examiner's contentions. To simplify the present application, however, Applicant has deleted all claims except Claims 4 and 69, and has amended Claim 69 to better clarify the invention. The Examiner rejected Claim 69 (the only remaining independent claim in the application) as being anticipated by one or more of U.S. Patent No. 5,824,274, issued to Long (Long '274), and U.S. Patent No. 6,387,241, issued to Murphy et al (Murphy '241). As will be discussed below, however, Claim 69 as amended above is not taught, disclosed or suggested by any prior art reference.

Claim 69 has been amended to clarify that the present sanitizing device is a surface sanitizing device, which is specifically configured for placement immediately adjacent a surface, and which includes means for generating and releasing ozone onto

that surface. Ozone, of course, is a sanitizing agent capable of oxidizing contaminants and sterilizing materials. Conventional devices (such as those shown in Long '274 and Murphy '241) have utilized these properties to ozonate water, and subsequently sanitize it (and anything it touches), and to place materials within highly concentrated ozone-gas containers to sanitize those materials. No device, however, discloses a device that is specifically configured for placement proximate a surface, and for sanitizing that surface.

Long '274 discloses an ozone treatment system for point of use purification of water and sanitizing agent for surfaces, articles and foods, which includes an ozone-producing corona device for ozonating water. Water is fed into the device, ozonated using ozone generation electrode arrangement (2 through 6), and is distributed out of the device by the ozonated water exit port of the device (24) via a flexible, food grade, ozone resistant tubing (26) to a faucet (43). Thereafter, the ozonated water may be delivered for drinking, or for washing items such as food or surfaces.

Long '274, however, fails wholly to show a device configured specifically for sanitizing a surface, as required in the present invention. Instead, Long '274 depicts a device that produces ozonated water alone. Long '274 retains an ozone-generating device within a housing, which delivers ozone to water, which is then delivered out of the device. Although the ozonated water is capable of sanitizing a surface (as is suggested in Long '274), the device itself is not.

Similarly, Murphy '241 fails to teach a device capable of being placed adjacent a surface, and that is capable of sanitizing that surface once placed there. Murphy '241 discloses methods of sterilizing various materials utilizing concentrated ozone gas. The materials are introduced into an enclosed chamber, where highly concentrated ozone gas

is percolated into and around the materials, sanitizing them. The method, however, does not and cannot be practiced by placing the device on a surface. The materials must be introduced into the container in order to be sanitized, and therefore the method (and device) disclosed in Murphy '241 cannot be utilized to sanitize a surface directly.

Based on the above, Applicant submits that Claim 69 as amended is not taught or disclosed by any prior art reference cited by the Examiner. Furthermore, given the disclosure of those references, the present invention would not be obvious. Long '274 discloses a device that is only capable of ozonating water, which may then be used (external to the device) to sanitize other materials. Thus, Long '274 teaches away from surface application of ozone.

The same can be said of Murray '241. In Murray '241, a method is disclosed in which materials are sanitized using a sealed chamber filled with concentrated ozone gas. The sealed chamber is a necessary component of the method, and therefore the device/method in Murray '241 could never be used in the same manner as the presently claimed invention.

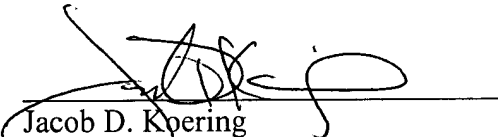
Applicant submits that the present invention, as amended above, is not taught, disclosed or suggested by any prior art references. Therefore, reconsideration and passage to allowance of Claims 4 and 69 is respectfully requested.

Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully invited.

Respectfully submitted,

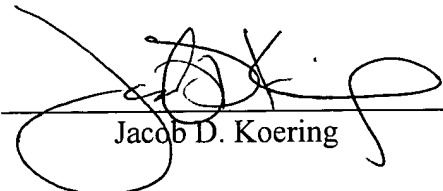
FACTOR & PARTNERS, LLC

Dated: August 4, 2003

  
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Jacob D. Koering  
One of Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450 on August 4, 2003.

  
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Jacob D. Koering